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PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* DICKENS-SOEDER2000, LLC

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Appeal 2008-004652  
Reexamination Control Nos. 90/005,727; 90/005,592; 90/005,628; and  
90/006,541 (merged)  
Reissue Application No. 09/512,592 (merged)  
U.S. Patent No. 5,806,063  
Technology Center 2100

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Decided: March 29, 2010

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Before ROMULO H. DELMENDO, SCOTT R. BOALICK, and  
KEVIN F. TURNER, *Administrative Patent Judges*.

BOALICK, *Administrative Patent Judge*.

DECISION ON REQUEST FOR RECONSIDERATION

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Reissue Application No. 09/512,592 (merged)

U.S. Patent No. 5,806,063

Appellant requests that we reconsider our Decision entered March 16, 2009 ("Dec."), wherein we affirmed one or more rejections of claims 1-76.

The Request for Rehearing has been considered. We modify the findings of fact (FF) in the original Decision to make the following four additions:

A. At page 14 of the Decision, FF 1 is modified to add the following after the last sentence:

The Specification states that "[t]he present invention thus provides an efficient approach to converting and utilizing symbolic date representations in databases, which allows automatic processing of dates ranging from before to after the year 2000." ('063 patent, col. 2, ll. 21-24.) "The large number of dates represented in *some* databases may thereby be readily processed and utilized." ('063 patent, col. 2, ll. 24-26 (emphasis added).) "Other features and advantages of the present invention will be apparent from the following more detailed description of the preferred embodiment, . . . . The scope of the invention is not, however, limited to this preferred embodiment." ('063 patent, col. 2, ll. 26-32.)

B. At page 18 of the Decision, FF 8 is modified to add the following as the last full sentence on page 18:

"For example, the date 12/15/93 (Dec. 15, 1993) is represented as 19931215 and the date 12/15/00 (Dec. 15, 2000) as 20001215. A straightforward numerical sort of date data fields expressed in this form produces an accurate chronological ordering." ('063 patent, col. 3, ll. 44-48.)

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C. At page 32 of the Decision, FF 25 is modified to add the following after the last sentence:

In one example, Shaughnessy describes an application program for a bank that performs a date comparison to determine if loan payments are overdue. (Col. 4, l. 37 to col. 5, l. 3.)

Shaughnessy describes modifying the program to call a subroutine that performs the date comparison and passing the following to the subroutine: "today's date, the date next payment is due, and a three byte parameter, the first byte of which identifies the format of today's date, the second byte of which identifies the format of the date next payment is due, and the third byte of which is left available for a return code indicative of a result of the comparison." (Col. 4, ll. 51-58.)

The account is indicated to be OK if the result from the subroutine indicates that the next payment due date is greater than today's date. (Col. 4, ll. 59-61.) "The subroutines which perform the date operations can do so regardless of the format of the dates to be operated on." (Col. 4, ll. 62-63.) Figure 8 shows an example of the steps that a modified computer system performs in order to complete a date comparison operation. (Col. 3, ll. 28-29; col. 8, l. 33 to col. 12, l. 19.) The call to the subroutine 100 includes date parameters P1 and P2 (e.g., next payment due date and today's date), and three byte parameter P3. (Col. 9, ll. 44-53.) To facilitate performing the date comparison operation 118, date parameters P1 and P2 are converted depending upon their date format. For example, prior to comparison step 118, P2 and P1 may be converted to a four digit year format YYYYMMDD at steps 122 and 130 respectively. (Col. 11, l. 57 to col. 12, l. 12.) Upon completion of the comparison 118, the subroutine returns the results of the comparison to the program 132. (Col. 12, ll. 14-19.)

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D. At page 36 of the Decision, FF 36 is modified to add the following after the second sentence:

"The return format of the DTOS() function is not affected by the SET DATE setting. It is this string representation of the date that should be used for sorting and indexing dates, since the dates will appear in chronological order." (Page 945.)

The Request for Rehearing is otherwise denied.

The following discussion addresses Appellant's arguments in the order in which they are enumerated in the Request for Rehearing.

## DISCUSSION

### *The Exhibit A Issue*

Appellant requests that we "remand the application to the Examiner to allow applicant to proceed to have Exhibit A made part of the issued patent by the appropriate procedure." (Req. for Reh'g 3.) As previously discussed in our Decision (Dec. 61-62), Appellant must obtain a certificate of correction under 35 U.S.C. § 254 in order for Exhibit A to become part of the Specification and Appellant has admitted that no such action has been taken. The certificate of correction previously filed by Appellant merely corrected two minor typographical errors. (Dec. 4.) The record demonstrates that Appellant has been aware of a problem with the status of Exhibit A since at least December 23, 2002. (Dec. 61.) Appellant has had sufficient opportunity to add Exhibit A through a certificate of correction and has not shown cause for remanding the appeal to add Exhibit A, even if

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such a remand were within the scope of our authority, at this stage of the proceedings. Accordingly, we decline to remand the appeal to the Examiner.

*The § 112 Rejection of Claims 16-25, 26-30, 31-33, 66, 67, and 72 Based upon the Indefiniteness of "Collectively"*

Appellant argues that our Decision erred in affirming the 35 U.S.C. § 112 rejection of claims 16-25, 26-30,<sup>1</sup> 31-33, 66, 67, and 72, which recite the step of reformatting the symbolic representations for each date in the database in order to facilitate "collectively further processing" the reformatted symbolic representations. (Req. for Reh'g 3-8; *see* Dec. 67-73.) According to Appellant, the "specification and claims clearly contemplates that the reformatted symbolic representations of each symbolic representation of a date in the database have been gathered into a mass, sum or body whole, i.e., aggregated to facilitate further processing in the aggregated form, i.e., for being 'collectively' further processed." (Req. for Reh'g 3-4.) Citing various passages of the '063 patent, Appellant contends that "[t]he specification of the Dickens patent, while not specifically using the term 'collectively,' also clearly supports the concept of aggregating the reformatted/converted date data symbolic representations prior to further

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<sup>1</sup> To the extent our Decision raised a new ground of rejection with respect to claims 26-30 (*see* Dec. 67 & n. 21, 72-73), we assume Appellant is requesting rehearing rather than asking that our Decision be denominated a new ground to allow reopening of prosecution.

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processing."<sup>2</sup> (Req. for Reh'g 5.) "The meaning of the claims is that the aggregated converted symbolic representation of the date data are sorted or otherwise manipulated after each has been converted to the unambiguous four digit simple representation." (Req. for Reh'g 7-8.)

Appellant's arguments fail to convince us that the Decision erred in affirming the § 112 rejection. In particular, Appellant's arguments have not convinced us that the Decision erred in concluding that the meaning of the claimed step of reformatting in order to facilitate *collectively* further processing the data is ambiguous. One of ordinary skill in the art would not understand what is claimed when the claims are read in light of the Specification.

For example, the '063 patent Specification does not require all dates in the database to be reformatted prior to further processing of the date data, contrary to Appellant's argument. (*See* FF 3, 8.) The '063 patent Specification does not prohibit conversion of less than all dates in the database and processing of the (fewer than all) dates which are converted. (*See* FF 3, 8; Fig. 1.) The Specification provides an example of the conversion and numeric sort of two dates stored in a database -- namely

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<sup>2</sup> Appellant also presents a new argument in the Request of Rehearing detailing precisely how Exhibit A allegedly supports Appellant's interpretation of the claim term "collectively" further processing. (Req. for Reh'g 7.) In the Briefs, Appellant had merely made the unsupported assertion that Exhibit A further supports Appellant's interpretation of the claims, without any further explanation. Because this particular argument regarding Exhibit A was not timely made in the Briefs, we will not consider it now. *See* 37 C.F.R. § 41.52(a)(1).

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December 15, 1993 and December 15, 2000. (FF 8; *see also* FF 3.) Also, Figure 1 of the '063 patent shows these two dates, and only these two dates, being reformatted with a century designator. The Specification of the '063 patent sheds no light on what is meant by reformatting to facilitate *collectively* further processing the reformatted dates.

Thus, the Decision did not err in concluding that the claims are indefinite because the claims do not give adequate notice of the boundaries of protection involved.

In addition, we do not find Appellant's arguments, including the cited portions of the '063 patent, to demonstrate that, as of the filing date of the '063 patent, the inventors had possession of the claimed subject matter. For example, while the passages of the '063 patent cited at pages 5 to 6 of the Request for Rehearing describe sorting or otherwise manipulating data after reformatting, they do not describe or show possession of reformatting the data to facilitate *collectively* further processing the data, as claimed.

Accordingly, we find no error in either the § 112 rejection of claims 16-25, 26-30, 31-33, 66, 67, and 72 or in our affirmance of that rejection.

*The Rejection of Claims 1-3, 5, 7, 9 and 10 - Shaughnessy/Hazama, First Subsidiary Issue*

Appellant argues that our Decision erred in finding that Shaughnessy and Hazama teach or suggest "selecting a 10-decade window with a  $Y_A Y_B$  value for the first decade of the window,  $Y_A Y_B$  being no later than the earliest  $Y_1 Y_2$  year designator in the database." (Req. for Reh'g 8-9; *see*



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Dec. 85-89.) In particular, Appellant repeats the argument from the Briefs that Shaughnessy does not take the earliest date in the database into account, and instead "determines the starting date of the window without regard for what dates may be in the database." (Req. for Reh'g 9.) Appellant also repeats the argument that Shaughnessy "teaches away from setting the beginning of the window ordering to the earliest date data in the database." (Req. for Reh'g 9.)

Our response to these arguments is the same as that provided in our Decision (Dec. 85-89). Specifically, Shaughnessy teaches determining the end of the 100-year cycle, which necessarily determines the beginning of the 100-year cycle, by adding the number of years of future dating *required* to the "starting date" of the window, and it would have been a matter of common sense, as evidenced by Hazama, for one of ordinary skill in the art to set these parameters such that the starting year for the window is less than any date in the database. If these parameters were selected otherwise, Shaughnessy would not operate correctly and would return incorrect results. Moreover, as Appellant admits (Req. for Reh'g 9, n. 4), Hazama teaches that it was known to select the starting year for the 10-decade window to be less than any date in the database. As also explained in the Decision (Dec. 91-92), we do not find Shaughnessy to teach away from Hazama.

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*The § 103 Rejection of Claims 1-3, 5, 7, 9 and 10 - Shaughnessy/Hazama, Second and Third Subsidiary Issues*

Appellant argues that our Decision erred in finding that Shaughnessy and Hazama teach or suggest "determining a century designator  $C_1$   $C_2$  for each symbolic representation of a date in the database" and "reformatting the symbolic representation of the date with the values  $C_1$   $C_2$ ,  $Y_1$   $Y_2$ ,  $M_1$   $M_2$ , and  $D_1$   $D_2$  to facilitate further processing of the dates." (Req. for Reh'g 9-14; *see* Dec. 89-91.) In particular, Appellant argues (Req. for Reh'g 9-13) that the Decision erroneously construed "each symbolic representation of a date in the database" as encompassing a database with only two entries (*see* Dec. 90). We do not agree.

Appellant contends that those skilled in the art would understand that databases in need of the '063 patent's Y2K solutions would contain a large number of entries, as indicated by the Specification and the prior art (Req. for Reh'g 10-13). According to Appellant, a database with only two entries would not need to use the solution disclosed by the '063 patent. (Req. for Reh'g 10-13.)

As we noted in the Decision (Dec. 90), however, the plain language of the claim places no restriction on the number of dates to be stored in the database except that it arguably requires more than one date. This interpretation is consistent with Specification. While it is true that the Specification discloses that *some* databases contain a large number of dates (FF 1), the Specification does not require the databases to contain a large number of dates, or any number of dates for that matter. Just after disclosing

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that *some* databases may contain a large number of dates, the Specification then goes on to state that the scope of the invention is not limited to this preferred embodiment. (FF 1.) In addition, the Specification provides an example of the conversion and numeric sort of two dates stored in a database -- namely December 15, 1993 and December 15, 2000. (FF 8; *see also* FF 3.) Thus, under the broadest reasonable interpretation consistent with the Specification, the database may contain only two dates.

Even assuming, for the sake of argument, that Appellant is correct and the database must have many more than two entries, we agree with the Examiner (Ans. 13-14) that it would have been obvious to determine a century designator for converting each date in the database. As the Examiner has correctly pointed out (Ans. 13-14), in the bank loan program example of Shaughnessy that determines whether a loan payment is overdue (FF 25), it would have been obvious to perform the described due date processing for each loan in the database. In other words, having performed the due date processing for one particular bank loan, it would have been obvious to perform similar due date processing for all other bank loans in the database. The Examiner has correctly observed that such batch processing would be a matter of automation efficiency (Ans. 13), and it also would have been a matter of common sense to determine whether any loan payment for any loan in the database was overdue.

Appellant's arguments (Req. for Reh'g 13-14) concerning what the subroutine returns to the main program are not convincing because, as

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previously discussed here and in the Decision (Dec. 89-91), the subroutine of Shaughnessy performs the disputed method steps.

*The § 103 Rejection of Claims 1-3, 5, 7, 9 and 10 - Shaughnessy/Hazama, Fourth Subsidiary Issue*

Appellant repeats the argument (*see* Dec. 85) that "both Shaughnessy and Hazama teach away and would have to be significantly modified in theory of operation to teach or suggest the claimed subject matter of the Dickens patent." (Req. for Reh'g 14.) We do not agree. Instead, as explained in the Decision (Dec. 91-92), the Examiner has articulated a reason with rational underpinnings for combining the teachings of Shaughnessy and Hazama. We are not convinced that Shaughnessy and Hazama teach away or would require significant modification in order to be combined.

Appellant argues that "Shaughnessy cannot perform the claimed process, and therefore, teaches away." (Req. for Reh'g 14.) However, we have already explained how Shaughnessy performs the claimed process. Appellant's arguments (Req. for Reh'g 14-15) about what the subroutine returns to the main program are not convincing because, as previously explained, the subroutine of Shaughnessy performs the disputed method steps.

Although Appellant seems to argue (Req. for Reh'g 14-15) that century designators must be determined for all dates in the database and all dates must be reformatted prior to any further processing, such as a date

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comparison, the claim language does not support such an interpretation. While Appellant argues that the subroutine of Shaughnessy only operates on two dates at a time (Req. for Reh'g 15), the claim language itself does not prohibit such processing as performed by Shaughnessy's subroutine. For example, the claim language does not prohibit Shaughnessy's subroutine from sequentially stepping through each loan in the database and comparing each loan due date in the database to today's date in order to determine if each of the loans is overdue.

*The Rejection of Claims 1-3 - Ohms/Hazama, First Subsidiary Issue*

Appellant argues that "Ohms' teaching about the Gregorian (or Julian) dates does not apply to date data actually stored in the database." (Req. for Reh'g 16.) Instead, Appellant contends that Ohms teaches storing dates in the database in Lilian format rather than in Gregorian or Julian format. (Req. for Reh'g 18.) According to Appellant, in discussing "existing date formats" in the Abstract (*see* FF 40), "Ohms is clearly talking about 'existing date formats' as the Lilian format that can be used to solve the Y2K problem." (Req. for Reh'g 16.) Appellant also argues that "Booth<sup>3</sup> and Ohms each describe the use of a windowing algorithm, but not in the environment of the claimed subject matter." (Req. for Reh'g 18.) In particular, Appellant argues that "Ohms uses a windowing algorithm to enable the data entry into your date data format, also actually stores the date

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<sup>3</sup> Appellant's arguments relating to Booth are not relevant for this rejection.

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data and manipulates the date data in unambiguous Lillian date format."

(Req. for Reh'g 19.) We do not agree.

As discussed in the Decision (Dec. 97-101), we do not find Ohms to be restricted to storing dates in the Lilian format. Instead, Ohms makes clear that dates may be stored in other formats, including the Gregorian format. (FF 41, 45.) Among other things, Ohms teaches that dates are typically displayed and stored in the Julian and Gregorian formats (FF 41), teaches that concepts and formats of both Julian and Gregorian date formats will be discussed (FF 41), and also teaches that it is not necessary to change date formats in files (FF 45). Instead of changing date formats in files, the program may be changed so that the implied century in a date is recognized (FF 45). We do not agree with Appellant's argument that the abstract of Ohms, in referring to "existing date formats," is actually referring to the Lilian date. Instead, the abstract refers to the use of existing date formats as a way to eliminate the need for "massive system modifications" and discusses "[m]ethods of using existing date formats across century boundaries." (Page 244.) Next, the abstract of Ohms states that the use of a format called the Lilian date format will be introduced. Therefore, it is clear that Ohms' discussion of "existing date formats" is not restricted to the Lilian date format. In sum, the teachings of Ohms include and apply to manipulating and storing dates in the Gregorian format.

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*The Rejection of Claims 1-3 - Ohms/Hazama, Second and Fourth Subsidiary  
Issues*

Appellant largely repeats the previously discussed arguments with respect to Ohms and the Lilian date format (Req. for Reh'g 19-20). We do not find these arguments persuasive for the reasons previously discussed.

*The Rejection of Claim 5 - Shaughnessy/Hazama*

Appellant argues that this rejection was affirmed in error by the Decision "for the reasons discussed above regarding claim 1." (Req. for Reh'g 20.) We do not agree for the reasons discussed above with respect to claim 1.

*The Rejection of Claim 5 - Ohms/Hazama*

Appellant argues that this rejection was affirmed in error by the Decision "for the reasons discussed above regarding claim 1." (Req. for Reh'g 20.) We do not agree for the reasons discussed above with respect to claim 1.

*The Rejection of Claim 9 - Shaughnessy/Hazama*

Appellant argues that our Decision (Dec. 103-104) erred in finding that Shaughnessy teaches "storing the symbolic representations of dates and their associated information back into the database." (Req. for Reh'g 20.) We do not agree.

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As explained in our Decision (Dec. 104), while the Examiner noted that the teaching in Shaughnessy of storing the symbolic representations back into the database would be more expensive, the Examiner correctly found that it was a known and available technique, and also offered a permanent solution despite the additional expense. Therefore, we find no error in the Decision.

*The Rejection of Claim 9 - Ohms/Hazama*

Appellant largely repeats the previously discussed arguments with respect to Ohms and the Lilian date format (Req. for Reh'g 21). We do not find these arguments persuasive for the reasons previously discussed.

*The Rejection of Claim 10 - Shaughnessy/Hazama*

Appellant argues that this rejection was affirmed in error by the Decision "[f]or the reasons noted above regarding claims 1 and 9." (Req. for Reh'g 21.) We do not agree for the reasons discussed above with respect to claims 1 and 9.

*The Rejection of Claim 10 - Ohms/Hazama*

Appellant largely repeats the previously discussed arguments with respect to Ohms and the Lilian date format (Req. for Reh'g 21-22). We do not find these arguments persuasive for the reasons previously discussed.



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*The Rejections of Claims 4 and 6 - Shaughnessy/Hazama/Booth, First  
Subsidiary Issue*

Appellant argues that our Decision erred in the finding that Booth teaches or suggests "sorting the symbolic representation of dates." (Req. for Reh'g 22-23.) According to Appellant, "Booth (FF 31) teaches storing and manipulating the data in the database in integer format - each integer representing a specific unique day . . . which necessarily is not year ambiguous." (Req. for Reh'g 22.) We do not agree with Appellant's reading of Booth.

While Booth does state that Clipper stores dates in such a way that math operations can be performed on the dates (FF 31), we do not agree with Appellant that Booth exclusively stores and manipulates dates in integer format. For example, the date to string DTOS() function of Booth "takes a date variable as a parameter and returns a string in the format: YYYYMMDD" (FF 36) and "[t]he returned string can be used to arrange dates in chronological sequence, regardless of the date format" (FF 36). Booth also describes using the DTOS() function to create an index that causes log entries in the database to appear in chronological sequence. (FF 36.) If Appellant was correct that Booth stores and manipulates dates exclusively in integer format, the described DTOS() function would not be necessary since the comparisons and sorting could be undertaken directly without first reformatting. This is confirmed by the statement in Booth that the string, in the format YYYYMMDD, is used for sorting and indexing since the dates appear in chronological order. (FF 36.)

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In any event, the Examiner cited Booth for the teaching of sorting the symbolic representations of dates (Office Action of October 27, 2004 at 16; *see* Dec. 108). Booth describes an indexing function and also describes a sorting function, using the Clipper SORT command, that physically rearranges records in the database. (FF 37-39.)

Accordingly, we find no error in our Decision.

Appellant also presents the previously discussed arguments with respect to Ohms and the Lilian date format (Req. for Reh'g 22-23). These arguments are not relevant to the rejection over Shaughnessy, Hazama, and Booth. To the extent Appellant meant to present these arguments with respect to the rejection of claims 4 and 6 over Ohms, Hazama, and Booth, we do not find these arguments persuasive for the reasons previously discussed.

*The Rejection of Claims 4 and 6 - Shaughnessy/Hazama/Booth, Second  
Subsidiary Issue*

Appellant largely repeats the previously discussed arguments with respect to Booth and the integer date format (Req. for Reh'g 23-25). We do not find these arguments persuasive for the reasons previously discussed.

*The Rejection of Claim 6 - Shaughnessy/Hazama/Booth*

Appellant largely repeats the previously discussed arguments with respect to Booth and the integer date format (Req. for Reh'g 25). We do not find these arguments persuasive for the reasons previously discussed.

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*The Rejection of Claims 11-15*

Appellant argues that "claims 11-15 are method claims containing recitations essentially the same as a related claim in claims 1-10, and for the reasons argued above are allowable over the references cited" (Req. for Reh'g 25). We do not agree for the reasons discussed above with respect to claims 1-10.

*The Rejection of Claim 68 - Shaughnessy/Hazama or Ohms/Hazama.*

Appellant argues that claim 68 recites features similar to those in claims 1 and 4 (Req. for Reh'g 25-26). We do not agree that the Decision erred in affirming the rejection of claim 68 for the reasons discussed above with respect to claims 1 and 4.

In addition, Appellant argues that "[n]either Shaughnessy nor Hazama reformat each of these symbolic representations as part of a process to facilitate further processing of the reformatted dates, so, necessarily they do not show such a reformatting step done without the addition of a new date data field" (Req. for Reh'g 26) and do not teach or suggest facilitating "further processing involving 'running a program on the reformatted symbolic representations'" (Req. for Reh'g 26).

We do not agree. As previously discussed and as explained in the Decision (Dec. 113-114), Shaughnessy and Hazama teach or suggest reformatting each of the symbolic representations to facilitate further processing of the reformatted dates.

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Furthermore, with respect to the rejection over Ohms and Hazama, Appellant argues that "since Ohms does not reformat any date stored in the database in Y2K ambiguous format for purposes of further processing the date data with the reformatted Y2K unambiguous format, and since Ozama [sic] does not reformat each date in the database to facilitate further processing of the date data, as noted above, necessarily neither performs the additional process recitations just note [sic] with respect to claim 68." (Req. for Reh'g 26.)

We do not agree. As previously discussed and as explained in the Decision (Dec. 113-114), Ohms and Hazama teach or suggest reformatting each date in the database to facilitate further processing.

*The Rejection of Claim 69 - Shaughnessy/Hazama or Ohms/Hazama/Booth*

Appellant argues that the Decision erred in affirming the rejection of claim 69 for the same reasons given regarding claim 68. (Req. for Reh'g 26-27.)

We do not agree for the reasons discussed above with respect to claim 68.

*The Rejection of Claim 73 - Shaughnessy/Hazama or Ohms/Hazama*

Appellant states that "the same arguments made above as to the rejections of claim 1 apply here." (Req. for Reh'g 27.)

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We do not agree for the reasons discussed above with respect to claim 1.

*The Rejection of Claim 74 - Shaughnessy/Hazama/Booth or Ohms/Hazama/Booth*

Appellant states that "the same arguments made above as to the rejections of claim 4 apply here." (Req. for Reh'g 27.)

We do not agree for the reasons discussed above with respect to claim 4.

*The Rejection of Claim 75 - Shaughnessy/Hazama/Booth or Ohms/Hazama/Booth*

Appellant argues that the Decision erred in affirming the rejection of claim 75 for the same reasons given regarding claim 68 and because

Booth like Ohms, stores data in integer format and has no need to and does not convert data in a database from a Y2K ambiguous format to a Y2K non-ambiguous format to facilitate further processing of the date data stored in the database, and, therefore also does not run a program on such a converted date data.

(Req. for Reh'g 27-28.)

We do not agree for the reasons discussed above with respect to claim 68 and for the reasons discussed above with respect to Booth and Ohms.

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Reexamination Control Nos. 90/005,727; 90/005,592; 90/005,628; and 90/006,541 (merged)

Reissue Application No. 09/512,592 (merged)

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*The Rejection of Claim 76 - Shaughnessy/Hazama/Booth or  
Ohms/Hazama/Booth*

Appellant argues that the Decision erred in affirming the rejection of claim 76 for the same reasons given regarding claim 69 and because

Booth like Ohms, stores data in integer format and has no need to and does not convert data in a database from a Y2K ambiguous format to a Y2K non-ambiguous format to facilitate further processing of the date data stored in the database, and, therefore also does not sort such converted date data.

(Req. for Reh'g 28.)

We do not agree for the reasons discussed above with respect to claim 69 and for the reasons discussed above with respect to Booth and Ohms.

## CONCLUSION

The Request for Rehearing of our Decision of March 16, 2009, has been considered. We modify the findings of fact (FF) in the original Decision to make the following four additions:

A. At page 14 of the Decision, FF 1 is modified to add the following after the last sentence:

The Specification states that "[t]he present invention thus provides an efficient approach to converting and utilizing symbolic date representations in databases, which allows automatic processing of dates ranging from before to after the year 2000." ('063 patent, col. 2, ll. 21-24.) "The large number of dates represented in *some* databases may thereby be readily processed and utilized." ('063 patent, col. 2, ll. 24-26 (emphasis

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added).) "Other features and advantages of the present invention will be apparent from the following more detailed description of the preferred embodiment, . . . . The scope of the invention is not, however, limited to this preferred embodiment." ('063 patent, col. 2, ll. 26-32.)

B. At page 18 of the Decision, FF 8 is modified to add the following as the last full sentence on page 18:

"For example, the date 12/15/93 (Dec. 15, 1993) is represented as 19931215 and the date 12/15/00 (Dec. 15, 2000) as 20001215. A straightforward numerical sort of date data fields expressed in this form produces an accurate chronological ordering." ('063 patent, col. 3, ll. 44-48.)

C. At page 32 of the Decision, FF 25 is modified to add the following after the last sentence:

In one example, Shaughnessy describes an application program for a bank that performs a date comparison to determine if loan payments are overdue. (Col. 4, l. 37 to col. 5, l. 3.)

Shaughnessy describes modifying the program to call a subroutine that performs the date comparison and passing the following to the subroutine: "today's date, the date next payment is due, and a three byte parameter, the first byte of which identifies the format of today's date, the second byte of which identifies the format of the date next payment is due, and the third byte of which is left available for a return code indicative of a result of the comparison." (Col. 4, ll. 51-58.)

The account is indicated to be OK if the result from the subroutine indicates that the next payment due date is greater than today's date. (Col. 4, ll. 59-61.) "The subroutines which perform the date operations can do so regardless of the format of the dates to be operated on." (Col. 4, ll. 62-63.) Figure 8 shows an example of the steps that a modified computer system

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performs in order to complete a date comparison operation. (Col. 3, ll. 28-29; col. 8, l. 33 to col. 12, l. 19.) The call to the subroutine 100 includes date parameters P1 and P2 (e.g., next payment due date and today's date), and three byte parameter P3. (Col. 9, ll. 44-53.) To facilitate performing the date comparison operation 118, date parameters P1 and P2 are converted depending upon their date format. For example, prior to comparison step 118, P2 and P1 may be converted to a four digit year format YYYYMMDD at steps 122 and 130 respectively. (Col. 11, l. 57 to col. 12, l. 12.) Upon completion of the comparison 118, the subroutine returns the results of the comparison to the program 132. (Col. 12, ll. 14-19.)

D. At page 36 of the Decision, FF 36 is modified to add the following after the second sentence:

"The return format of the DTOS() function is not affected by the SET DATE setting. It is this string representation of the date that should be used for sorting and indexing dates, since the dates will appear in chronological order." (Page 945.)

The Request for Rehearing is otherwise denied.

Requests for extensions of time are governed by 37 C.F.R. § 1.550(c).  
*See* 37 C.F.R. § 41.52(b).

**REHEARING DENIED**



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bim

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